

TEXT OF EMERGENCY REGULATIONS

Amend Section 20107 of Article 7 of Chapter 1 of Division 7 of Title 2 of the California Code of Regulations to read:

~~§20107. Fail Safe Voting: Provisional Ballot and Proof of Current Residence~~ Standards for Proof of Residency or Identity When Proof is Required by Help America Vote Act.

~~(a) A voter who has moved to a new address within the same county, and who has not notified the elections official of this change of residence prior to the close of the period for registering to vote for an election, shall be required to provide proof of current residence prior to receiving a ballot and voting in that election pursuant to section 14311 of the Elections Code.~~

~~(b) For purposes of this section, proof of current residence for a voter attempting to vote at the polling place at which he or she is entitled to vote based on his or her current residence address shall consist of:~~

~~(1) A current, valid California driver's license or identification card that includes the name and current residence address of the voter; or~~

~~(2) Any two documents from the categories listed below, except that no more than one document per category listed in subparagraphs (L) and (M) shall be used, both of which shall contain the name and current residence address of the voter:~~

~~A. Military identification;~~

~~B. College or university fee card or student identification;~~

~~C. Lease agreement;~~

~~D. Mortgage statement;~~

~~E. Property tax statement;~~

~~F. Income tax return;~~

~~G. Utility bill;~~

~~H. Credit card bill;~~

~~I. Bank statement;~~

~~J. Preprinted check or bank deposit slip;~~

~~K. Vehicle registration;~~

~~L. Mail addressed to the voter at his or her current residence address; or~~

~~M. Sworn statement given in the presence of a poll worker at the polling place from a voter in the precinct stating he or she knows and can identify the person who is attempting to vote, and attesting to the name and residence address of the person attempting to vote.~~

~~(c) If the current residence of the voter does not have a street address or the voter is unable to receive mail at his or her street address and the voter is unable to provide proof of residence as required in subdivision (b), then for purposes of this section, proof of current residence shall consist of any two documents from the categories listed below both of which shall contain the name of the voter and description of the property at which the current residence of the voter is located:~~

~~(1) Deed or lease containing the legal description of the current residence;~~

~~(2) Property tax statement containing the assessor's parcel number; or~~

~~(3) Sworn statement given in the presence of a poll worker at the polling place from a voter in the precinct stating he or she knows and can identify the person who is attempting to vote, and attesting to the name and residence address of the person attempting to vote.~~

~~(d) For purposes of this section, proof of current residence for a voter attempting to vote at the office of the county elections official shall consist of a completed and signed voter registration affidavit which includes the voter's new residence address. Before giving the voter a ballot, the~~

~~county elections official shall compare the signature on the new voter registration affidavit with the signature on the voter's previous voter registration affidavit which is on file in the elections office to ensure that both affidavits were signed by the same voter.~~

(a) This section shall apply in all instances where voters and new registrants are required by the federal Help America Vote Act of 2002 (Pub. L. 107-252, 116 Stat. 1666, 42 U.S.C. 15483) to prove residency or present documents to establish identity at the time of voting.

(b) This section shall be liberally construed to permit voters and new registrants to cast a regular ballot. Any doubt as to the sufficiency of proof or a document presented shall be resolved in favor of permitting the voter or new registrant to cast a regular ballot.

(c) If a voter or new registrant does not present proof or a document that complies with this section, then the voter or new registrant shall be advised by the poll worker or other election official with whom the voter or new registrant is conferring that he or she may vote a provisional ballot and the voter or new registrant shall be permitted to do so.

(d) For purposes of this regulation, proof of residency or identity, shall consist of presenting an original or copy of any of the documents described below in either subdivision (1) or (2):

(1) a current and valid photo identification; For purposes of this subdivision, "photo identification" means a document prepared by a third party in the ordinary course of business that includes the photograph and name of the individual presenting it, including:

(A) a driver's license or identification card of any state;

(B) a passport;

(C) an employee identification card;

(D) an identification card provided by a commercial establishment;

(E) a credit or debit card;

(F) a military identification card;

(G) a student identification card;

(H) a health club identification card;

(I) an insurance plan identification card;

(2) any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last general election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including:

(A) a utility bill;

(B) a bank statement;

(C) a government check;

(D) a government paycheck;

(E) a document issued by a governmental agency;

(F) a sample ballot issued by a governmental agency;

(G) a voter notification card issued by a governmental agency;

(H) a public housing identification card issued by a governmental agency;

(I) a lease or rental statement or agreement issued by a governmental agency;

(J) a student identification card issued by a governmental agency;

(K) a tuition statement or bill issued by a governmental agency;

(L) an insurance plan card issued by a governmental agency;

(M) discharge certificates, pardons, or other official documents issued to the voter by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter;

(N) public transportation authority senior citizen discount cards issued by a governmental agency;

(O) identification documents issued by governmental disability agencies;

(P) identification documents issued by government homeless shelters and other government temporary or transitional facilities;

(Q) a drug prescription issued by a government doctor or other governmental health care provider;

(R) property tax statement issued by a governmental agency;

(S) vehicle registration or certificate of ownership issued by a governmental agency;

Note: Authority cited: Section 12172.5, Government Code; and Section ~~14311~~ 2124, Elections Code.

Reference: ~~Section 14311, Elections Code.~~ Section 14310, Elections Code; Section 303, Pub. L. No. 107-252, 116 Stat. 1666 (2002) [42 U.S.C. 15483].